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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,947	01/05/2001	Ranjit Bhatia	27943-00401USP1	4505

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ERICSSON INC.
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PLANO, TX 75024

EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
2686	14

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,947

Applicant(s)

BHATIA ET AL.

Examiner

James K Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-16 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-9,28-31 and 33 is/are allowed.
- 6) ☒ Claim(s) 10,13-16 and 32 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>13</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 10, 2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 10, 13-16 and 32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 10, 14, 16 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis et al. (U.S. Patent No. 6,389,290).

Regarding claim 10, Kikinis discloses an apparatus for facilitating information exchange between a telecommunications network serving a wireless communications device and an information service provider (data repository 33 or any other available data sources). The apparatus comprises storage means (server 32) for maintaining pre-configured rules associated with the wireless communications device (11), a receiver (in server 32) for receiving realtime information (device position) associated with the wireless communications device from a network node (PBX 19) associated with the telecommunications network, an application module (in data repository 33) for providing information services (e.g., weather or traffic updates) to the wireless communications device in accordance with the realtime information, means for determining from the pre-configured rules (inherent in the server 32) whether any information services subscribed to by the wireless communications device can be provided by the application module, means for forwarding to the wireless communications device content information prepared by the application module in accordance with the realtime information, and providing means (in the server 32) for providing the received realtime information to the information service provider (any available data source other than data repository 33) upon determining that one of the information services subscribed to by the wireless communications device cannot be provided by the application module. See Figure 1; col. 3, lines 15-30; col. 3, line 49 – col. 4, line 3; and col. 4, line 49 – col. 5, line 25.

Regarding claim 14, Kikinis discloses all of the limitations of claim 10, and also discloses that the apparatus comprises a database (positional directory 35) containing information (user location) related to the received realtime information. See col. 4, lines 4-14.

Regarding claim 16, Kikinis discloses all of the limitations of claim 10, and also discloses that the realtime information is location area information. See col. 5, lines 5-24.

Regarding claim 32, Kikinis discloses all of the limitations of claim 10, and also discloses that the apparatus comprises means for forwarding to the wireless communication device content information prepared by the information service provider in accordance with the realtime information. See col. 5, lines 5-25.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. in view of Valentine et al. (U.S. Patent No. 6,442,396).

Regarding claim 13, Kikinis discloses all of the limitations of claim 10, but does not disclose that the receiver receives the realtime information (device position) at periodic intervals.

Valentine discloses a system for providing vehicular traffic information to a mobile station. The system comprises a receiver (geographic location system 120) which receives mobile station position data. The position data is received from mobile stations at periodic intervals in order to allow a vehicular traffic determination node to generate accurate vehicular traffic information, such as the average speed of vehicles along a roadway. See Figure 1, col. 4, lines 16-33, and col. 5, lines 25-52. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kikinis with Valentine, such that the realtime information is received at period intervals, so that vehicular traffic information can be accurately generated based on the realtime information.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. in view of Armbruster et al. (U.S. Patent No. 5,732,387).

Regarding claim 15, Kikinis discloses all of the limitations of claim 14, and also discloses that the apparatus comprises updating means for updating the information associated with the received realtime information, and the updating means comprises storing means for storing an event (location report) in the database. See col. 4, lines 4-14. Kikinis does not disclose that the updating means comprises validating means for validating the event prior to storage.

Armbruster discloses a method for establishing a call which involves determining the location of a mobile station. The method comprises receiving and validating the location (e.g., by analyzing a time stamp). See col. 7, line 34 through col. 8, line 7. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kikinis with Armbruster, such that the updating means comprises validating means for validating the event prior to storage, in order to ensure that valid information services will be provided to the user.

Allowable Subject Matter

8. Claims 1, 3-9, 28-31 and 33 are allowed.
9. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

JKM

4/30/04

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600